THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 2008 OF 2005

Date: 03.11.2005

Between:

The A.P. State Housing Corporation Ltd. Rep. By its Managing Director, A.P., Hyderabad.

…. Appellant

and

A. Balasaya Goud & others

…. Respondents

THE HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

THE HON'BLE DR. JUSTICE G. YETHIRAJULU

WRIT APPEAL No. 2008 OF 2005

JUDGMENT: *(per the Hon'ble Sri Justice B. Prakash Rao)*

Heard the learned counsel on either side and at their request the main writ appeal itself is taken up for disposal.

The appellants are the respondents against whom W.P.No.2200 of 1995 was filed by respondents 1 to 3 herein, assailing the impugned order reverting the first respondent herein from the post which he was holding. Though several contentions have been urged in support of the writ petition and the same were also countenanced on behalf of the writ appellants, the learned Single Judge did not go into the same. Apparently, on some statement made across the Bar to the effect that the first respondent's case has already been considered for regular promotion as Assistant Engineer from which post he was sought to be reverted to the post of Draughtsman (civil) by the proceedings dated 03.02.1995, which were stayed by this Court, the learned Single Judge has directed that the case of the first respondent be considered forthwith, if not already considered, by fixing certain period and also, if warrants, by relaxing the Rules. Aggrieved by the same, the present appeal has been preferred by the appellants.

Now the case of both the parties is on merits, which have not been considered by the learned Single Judge. As a matter of fact, the direction

issued by the learned Single Judge is solely on the basis of a statement made across the Bar. In view of the same, We deem it more appropriate to remit the matter for fresh adjudication on its own merits, rather than going by the submissions.

The writ appeal is accordingly allowed. The order under challenge is set aside. The office is directed to post the writ petition before the learned Single Judge for fresh adjudication.

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(B.PRAKASH RAO.J)

(DR.G.YETHIRAJULU.J)

Dt.03.11.2005

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